

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

\$10,000, MORE OR LESS, IN
UNITED STATES CURRENCY

Defendant.

CASE NO. C11-1715RAJ

~~Proposed~~

JUDGMENT OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Judgment of Forfeiture ("Motion") of the Defendant \$10,000 in U.S. currency (the "Defendant Currency"). The Court, having reviewed the record, FINDS:

The United States filed a Verified Complaint for Forfeiture *in Rem* on October 14, 2011. The Complaint alleged that the above-captioned Defendant Currency constituted or derived from proceeds traceable to the crime of Use of Interstate Commerce Facilities in the Commission of Murder-for-Hire, in violation of 18 U.S.C. § 1958, which is a "specified unlawful activity" under 18 U.S.C. § 1956(c)(7)(A); therefore, the Defendant Currency is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C).

1 On October 14, 2011, the United States filed a Notice of Complaint for Forfeiture
2 *in Rem* in which interested persons were advised to file their claims pursuant to
3 Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
4 Court within thirty-five (35) days after the date of service of the Complaint and to serve
5 their Answers to the Complaint within twenty-one (21) days after filing a claim.

6 Notice of this forfeiture action was published on an official government website,
7 www.forfeiture.gov, for at least 30 consecutive days, as required by Rule G(4)(a)(iv)(C)
8 of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture
9 Actions, beginning on October 19, 2011. Interested persons were advised to file their
10 claims pursuant to Supplemental Rule G(5) with the Clerk of the Court within 60 days
11 after the first date of publication and to serve their Answers to the Complaint within 21
12 days after filing a claim.

13 Additionally, notice was effected on a known potential claimant, Dr. Michael
14 Mockovak, pursuant to the Federal Rules of Civil Procedure Supplemental Rule
15 G(4)(b)(iii)(B) by mailing copies to him and his attorney of the Verified Complaint for
16 Forfeiture *in Rem*, Notice of Complaint for Forfeiture *in Rem*, and Warrant of Arrest *in*
17 *Rem*.

18 On November 28, 2011, Claimant Dr. Michael Mockovak filed a Claim and an
19 Answer to the Complaint. *See* Dkt. 5.

20 No other claims to the Defendant Currency were filed, and the time for doing so
21 has expired. *See* Fed. R. Civ. P., Supp. R. G(5)(a)(ii).

22 On January 17, 2012, on the joint motion of the parties, the Court stayed this case
23 pending disposition of the appeal in the related state criminal action. *See State of*
24 *Washington v. Michael Emeric Mockovak*, Case No. 66924-9-1, Washington Court of
25 Appeals, Division One.

26 The Court reopened this case on November 7, 2017, upon the joint motion of the
27 parties, for the purpose of entering the parties' Stipulated Settlement Agreement and
28 Motion for Judgment of Forfeiture.

1 The executed Stipulated Settlement Agreement was filed on November 7, 2017, in
2 which Claimant Dr. Mockovak agreed to forfeit the Defendant Currency and agreed not
3 to oppose the United States' Motion for Judgment of Forfeiture. The parties agreed that,
4 should Dr. Mockovak prevail in any state or federal collateral appeal or habeas action
5 that results in his state conviction being reversed, Claimant Dr. Mockovak may move to
6 re-open this civil forfeiture action and seek to litigate the forfeitability of the Defendant
7 Currency on the merits. The United States reserved the right to oppose such litigation on
8 the merits.

9 Proper notice of the intended forfeiture was given. No other claims of interest
10 have been made to the Defendant Currency, and the time for filing such a claim has
11 expired under Fed. R. Civ. P., Supp. R. G(5)(a)(ii).

12 Therefore, the Court ORDERS:

13 1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1345 and
14 1355, and venue pursuant to 28 U.S.C. § 1395.

15 2. Pursuant to 18 U.S.C. § 981(a)(1)(C), the Defendant \$10,000 in U.S.
16 currency is hereby forfeited to the United States of America and no right, title, or interest
17 in it shall exist in any other party.

18 3. The United States Department of Justice, and/or its agents and
19 representatives, shall dispose of the Defendant \$10,000 in U.S. currency in accordance
20 with the law.

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22 DATED this day 27th of November, 2017.

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26 The Honorable Richard A. Jones
27 United States District Judge
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